

Allowed Claims: 1-14

Examiner's Amendment/Reasons for Allowance

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Patch on July 28, 2008.

The application has been amended as follows:

1. In the specification, page 2, between lines 1-2 insert –BACKGROUND OF THE INVENTION--;
2. In the specification, page 3, before line 1, insert –SUMMARY OF THE INVENTION--;
3. In the specification, page 4, between lines 34-35, insert –BRIEF DESCRIPTION OF THE DRAWINGS--; and
4. In the specification, page 5, between lines 15-16 insert –DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS--.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103. Specifically, with reference

to independent claim 1, none of the prior art either alone or in combination disclose or teach of the claimed ophthalmic diagnostic apparatus specifically including, as the distinguishing features in combination with the other limitations, the first body to be viewed from a predetermined position and the second body to be viewed from said position i.e. the same predetermined position, and the control module adapted to cause the bodies to assume a first configuration in which the second body to be viewed is in its state for showing signs and the first body to be viewed is in its uniform state and a second configuration in which the second body to be viewed is in its transparent state and the first body to be viewed is in its state for showing signs.

Examiner's Comments

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The drawings received May 19, 2006 have been approved by the examiner.

Squire et al, Donaldson, McKinnon et al and Wolbarsht are being cited herein to show ophthalmic apparatuses having some similar structure to that of the claimed invention.

For applicant's information, reference Genco et al patent number 4,618,231 was listed on a foreign search report as an "X" as to the independent claim. The examiner has carefully reviewed this prior art document and believes that the present application is patentable over this reference. Specifically, this reference does not at least disclose or teach of the claimed specific limitations set forth in the reasons for allowance above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number is 571-272-2337. The examiner can normally be reached on Monday to Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner
Art Unit 2873

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